

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LESLIE JACKSON,

Plaintiff,

-against-

ORDER

15-CV-4167 (ADS) (ARL)

LOWE'S COMPANIES, INC. and DENNIS SHANLEY,

Defendants.
-----X

LINDSAY, Magistrate Judge:

Plaintiff Leslie Jackson ("Plaintiff") commenced this action on July 15, 2015, against defendants Lowe's Companies, Inc. ("Lowe's") and its employee Dennis Shanley ("Shanley," collectively, "Defendants"), alleging numerous theories of tort liability, including false imprisonment; assault; battery; slander per se; and intentional infliction of emotional distress, arising from an alleged incident at a Lowe's retail store located in North Woodmere. By Order dated March 23, 2017, the Court issued several rulings, including that (1) Plaintiff may depose a Lowe's corporate witness regarding its retention policy as well as the placement of its cameras; (2) Defendants were directed to produce a layout of the cash registers as they existed on December 20, 2012, and to the extent the layout has changed, a layout diagram of the cash registers as they exist in the present day; and (3) Plaintiff's request for a limited Rule 30(b)(6) deposition was granted. ECF No. 44. Presently before the Court are the letter motions of both Plaintiff and Defendants. The Court rules as follows:

1. Plaintiff's request for an Order compelling Defendants to produce a more legible copy of the cash register layout is denied. Defendants have indicated that they do not possess a schematic other than what was already provided; Defendants invited Plaintiff's counsel to conduct an on-site inspection, which counsel apparently performed; and Plaintiff may question Lowe's Rule 30(b)(6) deponent about the layout.
2. The deposition of Dennis Shanley, Lowe's designated Rule 30(b)(6) witness, shall take place in Atlanta, Georgia via videoconferencing. *See SEC v. Aly*, --- F.R.D. ---, No. 16 Civ. 3853, 2017 WL 798527, at *1 (S.D.N.Y. Mar. 1, 2017) ("Federal Rule of Civil Procedure 30(b)(4) permits the Court to order 'that a deposition be taken by telephone or other remote means,' including by videoconference.") (quoting Fed. R. Civ. P. 30(b)(4)).
3. In order to provide the parties an opportunity to comply with this Order, the scheduling order is modified as follows: All discovery, inclusive of expert discovery, is to be completed by June 2, 2017. The deadline to commence dispositive motion practice is extended to June 16, 2017. The final conference scheduled for June 15, 2017 is adjourned

to June 29, 2017 at 2:15 p.m. The parties are directed to electronically file a proposed joint pretrial order, in compliance with the district judge's individual rules, signed by counsel for each party, prior to the conference. The parties are advised that no further adjournments will be granted absent extraordinary cause.

Dated: Central Islip, New York
May 17, 2017

SO ORDERED:

_____/s_____
ARLENE R. LINDSAY
United States Magistrate Judge